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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Armenia, Australia, Austria, Belgium, Bolivia*, Cape Verde, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malawi, Mongolia, Netherlands, Norway, Portugal, Republic of Moldova, Romania, Slovakia, South Africa, Spain, Sweden, Togo, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

The rights of the child

The General Assembly,

Recalling its resolutions 49/209, 49/210, 49/211 and 49/212 of 23 December 1994,

Recalling also the recommendation in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights at Vienna on 25 June 1993, 1/ that measures be taken to achieve by 1995 universal ratification of the Convention on the Rights of the Child, and the universal signing of the World Declaration on the Survival, Protection and Development of Children 2/ and its Plan of Action, as well as their effective implementation,

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* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ See A/45/625, annex.

Recalling further Commission on Human Rights resolutions 1995/78 and 1995/79 of 8 March 1995, 3/

Convinced that the Convention on the Rights of the Child, adopted by its resolution 44/25 of 20 November 1989, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Seriously concerned about those reservations to the Convention that are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action urges States to withdraw such reservations,

Reaffirming the Vienna Declaration and Programme of Action, which requires that national and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular the girl child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict, and children victims of famine and drought and other emergencies, and also requires measures against female infanticide and harmful child labour,

Reaffirming also that the best interests of the child shall be a primary consideration in all actions concerning children,

Mindful of the important role of the United Nations and of the United Nations Children's Fund in promoting the well-being of children and their development,

Noting with appreciation the important work carried out by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, and the expert designated by the Secretary-General on the effect of armed conflict on children,

Recognizing also the valuable work done by relevant intergovernmental and non-governmental organizations for the promotion and protection of the rights of the child,

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned about the continuing deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate action is called for,

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3/ See Official Records of the Economic and Social Council, 1995, Supplement No. 3 and corrigenda (E/1995/23 and Corr.1 and 2).

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, intolerance, unemployment, rural-to-urban migration, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Deeply concerned by the persistence of the practice of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

Recognizing the existence of a market which encourages the increase of such criminal practices against children,

Concerned by the exploitation of child labour and that it prevents a large number of children from an early age, from receiving basic education and may unduly imperil their health and even their lives,

Further alarmed, in particular, by the exploitation of child labour in its most extreme forms, including forced labour, bonded labour and other forms of slavery,

Expressing the will, at the national and international levels, to end the exploitation of child labour,

Determined to safeguard children's right to life, and recognizing the duty and responsibility of Governments to investigate all cases of offences against children, including killing and violence, and to punish offenders,

Deeply concerned about the growing number of street children world wide and the squalid conditions in which these children are often forced to live,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Recognizing that legislation per se is not enough to prevent violations of human rights, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of 180 States that have ratified or acceded to the Convention on the Rights of the Child, as a universal commitment to the rights of the child;

2. Urges all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence by the end of 1995;

3. Emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

5. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

6. Also calls upon States parties to the Convention, in accordance with their obligation under article 42, to make the principles and provisions of the Convention widely known to adults and children alike;

II

Protection of children affected by armed conflicts

7. Calls upon States fully to respect the dispositions contained in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflicts special protection and treatment;

8. Takes note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict; 4/

9. Takes note with appreciation of the report of the Committee on the Rights of the Child on its eighth session and the recommendations contained therein concerning the situation of children affected by armed conflict;

10. Expresses its support for the work of the expert to undertake a comprehensive study of the situation of children affected by armed conflict, with the mandate established by the General Assembly in its resolution 48/157 of 20 December 1993;

11. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to facilitate the extension of humanitarian assistance and relief and humanitarian

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4/ A/50/672.

access to children in situations of armed conflict and the immediate aftermath of such conflict;

12. Invites the working group on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflicts to pursue its mandate;

III

International measures for the prevention and eradication of the sale of children, child prostitution and child pornography

13. Welcomes the provisional report of the Special Rapporteur on the sale of children, child prostitution and child pornography; 5/

14. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of the sale of children, child prostitution and child pornography;

15. Notes the establishment by the Economic and Social Council in its resolution 1994/9 of 22 July 1994 of an open-ended working group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, as well as the basic measures needed for the prevention and eradication of those abnormal practices;

16. Requests that all States support efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of all those practices and consider contributing to the drafting of an optional protocol to the Convention on the Rights of the Child;

17. Welcomes the convening of the First World Congress on the Commercial Sexual Exploitation of Children, to be held in Stockholm from 26 to 31 August 1996;

IV

Elimination of exploitation of child labour

18. Encourages Member States that have not yet done so to ratify the conventions of the International Labour Organization relating to the elimination of exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

5/ A/50/456.

19. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the protection from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

20. Urges Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

21. Also requests that measures be taken by Governments, at the national and international levels, within the framework of multisectorial approaches, to end exploitation of child labour in line with the commitments undertaken at the World Summit for Social Development held in Copenhagen in March 1995 and the Fourth World Conference on Women held in Beijing in September 1995, and taking into account the results of other relevant United Nations conferences;

22. Requests the Secretary-General, in cooperation with the International Labour Organization, the United Nations Children's Fund and other relevant actors, to report on current initiatives and programmes of the United Nations and its affiliated agencies addressing the exploitation of child labour and to make recommendations on how to improve cooperation at the national and international levels in this field;

V

The plight of street children

23. Expresses grave concern at the continued growth in the number of incidents world wide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

24. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, inter alia, adequate nutrition, shelter, health care and education;

25. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

26. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child and other relevant human rights instruments constitutes a significant step towards solving the problems of street children, and recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give attention to this growing problem when examining reports from States parties;

27. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of

street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

VI

28. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund and relevant mechanisms of the Commission on Human Rights, and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of children living in exceptionally difficult conditions by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of those children;

29. Requests the Special Rapporteur on the sale of children, child prostitution and child pornography to submit an interim report to the General Assembly at its fifty-first session;

30. Requests the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-first session, containing information on the status of the Convention on the Rights of the Child; the findings of the expert on the effect of armed conflicts on children; and the problems of exploitation of child labour, its causes and consequences, in accordance with paragraph 22 above;

31. Decides to continue its consideration of this question at its fifty-first session under the item entitled "The rights of the child".